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RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the Sixth Committee (A/45/735)]

45/41. Report of the International Law Commission on the work of its forty-second session

The General Assembly,

Having considered the report of the International Law Commission on the work of its forty-second session, 1/

Emphasizing the need for the progressive development of international law and its codification in order to make it a more effective means of implementing the purposes and principles set forth in the Charter of the United Nations and in the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations 2/ and to give increased importance to its role in relations among States,

Noting with appreciation the work of the International Law Commission on the elaboration of the draft Code of Crimes against the Peace and Security of Mankind, which could contribute to the strengthening of international peace and security,

Recognizing the importance of referring legal and drafting questions to the Sixth Committee, including topics that might be submitted to the International Law

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1/ Official Records of the General Assembly, Forty-fifth Session, Supplement No. 10 (A/45/10).

2/ Resolution 2625 (XXV), annex.

Commission, and of enabling the Sixth Committee and the Commission further to enhance their contributions to the progressive development of international law and its codification,

Recalling the need to keep under review those topics of international law which, given their new or renewed interest for the international community, may be suitable for the progressive development and codification of international law and therefore may be included in the future programme of work of the International Law Commission,

Taking note with appreciation of the section of the report of the International Law Commission concerning the question of the possible establishment of an international criminal jurisdiction 3/ and noting the debate in the Sixth Committee pertaining to this topic, 4/

Considering that experience has demonstrated the usefulness of structuring the debate on the report of the International Law Commission in the Sixth Committee in such a manner that conditions are provided for concentrated attention on each of the main topics dealt with in the report, and that this process is facilitated when the Commission indicates specific issues on which expressions of views by Governments are of particular interest for the continuation of its work,

1. Takes note of the report of the International Law Commission on the work of its forty-second session;

2. Requests the International Law Commission to continue its work on the topics in its current programme, listed as items 3 to 8 in paragraph 9 of its report, taking into account the comments of Governments, whether in writing or expressed in the General Assembly, with a view to reaching at its forty-third session the goals indicated in paragraphs 537 to 542 of its report;

3. Invites the International Law Commission, as it continues its work on the elaboration of the draft Code of Crimes against the Peace and Security of Mankind, to consider further and analyse the issues raised in its report concerning the question of an international criminal jurisdiction, including the possibility of establishing an international criminal court or other international criminal trial mechanism;

4. Expresses its appreciation for the efforts of the International Law Commission to improve its procedures and methods of work, and to formulate proposals on its future programme of work;

5. Requests the International Law Commission:

3/ Official Records of the General Assembly, Forty-fifth Session, Supplement No. 10 (A/45/10), chap. II, sect. C.

4/ See A/C.6/45/SR.23-39 and 45.

(a) To consider further its methods of work in all their aspects, bearing in mind that the staggering of the consideration of some topics might contribute, inter alia, to a more effective consideration of its report in the Sixth Committee;

(b) To pay special attention to indicating in its annual report, for each topic, those specific issues on which expressions of views by Governments, either in the Sixth Committee or in written form, would be of particular interest for the continuation of its work;

6. Invites the International Law Commission, when circumstances so warrant, to request a special rapporteur to attend the session of the General Assembly during the discussion of the topic for which that special rapporteur is responsible, and requests the Secretary-General to make the necessary arrangements within existing resources;

7. Recommends the continuation of efforts to improve the ways in which the report of the International Law Commission is considered in the Sixth Committee, with a view to providing effective guidance for the Commission in its work;

8. Decides that the Sixth Committee, in structuring its debate on the report of the International Law Commission at the forty-sixth session of the General Assembly, should continue to bear in mind the possibility of reserving time for informal exchanges of views on matters relating to the work of the Commission;

9. Recommends that the debate on the report of the International Law Commission at the forty-sixth session of the General Assembly commence on 28 October 1991;

10. Takes note of the comments of the International Law Commission on the question of the duration of its session, as presented in paragraph 552 of its report, and expresses the view that the requirements of the work for the progressive development of international law and its codification and the magnitude and complexity of the subjects on the agenda of the Commission make it desirable that the usual duration of its sessions be maintained;

11. Also takes note of the intention of the International Law Commission, expressed in paragraph 548 of its report, to allow for two weeks of concentrated work in its Drafting Committee at the beginning of the forty-third session of the Commission, and requests the Commission to report on the results of that arrangement;

12. Reaffirms its previous decisions concerning the increased role of the Codification Division of the Office of Legal Affairs of the Secretariat and those concerning the summary records and other documentation of the International Law Commission;

13. Urges Governments and, as appropriate, international organizations to respond in writing as fully and expeditiously as possible to the requests of the International Law Commission for comments, observations and replies to questionnaires and for materials on topics in its programme of work;

14. Reaffirms its wish that the International Law Commission continue to enhance its co-operation with intergovernmental legal bodies whose work is of interest for the progressive development of international law and its codification;

15. Once again expresses the wish that seminars will continue to be held in conjunction with the sessions of the International Law Commission and that an increasing number of participants from developing countries will be given the opportunity to attend those seminars, appeals to States that can do so to make the voluntary contributions that are urgently needed for the holding of the seminars, and expresses the hope that every effort will continue to be made by the Secretary-General, within existing resources, to provide the seminars with adequate services, including interpretation, as required;

16. Requests the Secretary-General to forward to the International Law Commission, for its attention, the records of the debate on the report of the Commission at the forty-fifth session of the General Assembly, together with such written statements as delegations may circulate in conjunction with their oral statements, and to prepare and distribute a topical summary of the debate.

48th plenary meeting
28 November 1990